From-CNH AMERICA LLC LAW DEPT

Response to Office Action dated November 25, 2005 Serial No. 10/772,821 filed on February 5, 2004 Art Unit: 3671

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REMARKS

Claims 1-7 and 10-11 are pending in the application. Claims 1, 2, 7, 10 and 11 are amended; claims 8-9 are cancelled; and claims 12-31 are withdrawn. . Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

Claim Objections 1.

The Examiner objected claims 1-6, 11 because of several informalities. In particular, the Examiner states that in claim 1, line 12, "an" should be changed to "a" in both occurrences. In claim 2, line 5, "tube" should be inserted after "outlet". In claim 11, line 1, "an outlet tube" lacks proper antecedent basis. The Examiner requires appropriate correction.

In response to these objections, Applicants have amended line 12 of Claim 1 to change "an" to "a" in both occurrences and in Claim 2, line 5 "tube" was inserted after "outlet" as suggested by the Examiner. In claim 10, line 12, 13 and 15, the word "first" was inserted before outlet tube; in Claim 11, line 2 and 3, the word "second" was inserted before outlet tube and "an" was changed to "a" in line 2 to make clear which outlet tube is set forth. As described in paragraph 51 and shown in Figure 6, the adjustable outlet assembly 222 is coupled to an outlet tube 220. Specifically, the assembly 222 includes an "adjustable outlet tube 225 disposed inside outlet tube 220".

In view of the above, Applicants respectfully request the Examiner reconsider and withdraw these objections.

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Rejections under 35 USC 102

The Examiner has rejected Claims 7 and 8 under 35 USC 102(b) as being anticipated by Neumeyer (4,779,765).

Applicants respectfully direct the Examiner's attention to the amendment to Independent claim 7 recited above and to the cancellation of dependent Claim 8. In the Office Action, the Examiner indicated that Claim 9 would be allowable if rewritten to include the limitations of the base claim and any intervening claims, i.e., place the claim in independent form. Applicants respectfully submit that the amendment to independent Claim 7 above places the limitations of Claim 9 in independent form and that Claim 7 as amended is sufficiently definite.

In view of the amendment to independent Claim 7, Applicants submit that the present invention is not anticipated by Neumeyer (4,779,765), and respectfully request that this rejection be reconsidered and withdrawn.

3. Allowable Subject Matter

The Examiner indicated Claims 1-6, 10, 11 are allowed. Applicant appreciates this allowance of Claims 1-6, 10 and 11 and respectfully requests that these claims be passed to allowance with the other claims remaining in the present application.

The Examiner indicated claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 7 was amended to include the limitations of claim 9 which the examiner has stated would be allowable if rewritten in independent form. Accordingly, allowance of this amended claim 7 is respectfully solicited.

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No fee is believed due with this paper. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 03-1025.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,

Rebecca Henkel

Reg. No. 53,015

Docket No. 17358

Dated: February 9, 2006

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